

Monday, December 9, 2013

Senate Judiciary Committee  
Room

9:00 a.m. to 11:00 a.m.

Legislative Rule-Making  
Review Committee  
(Code §29A-3-10)

Jeffery V. Kessler  
ex officio nonvoting member

Tim Miley  
ex officio nonvoting member

**Senate**

**House**

Snyder, Chairman	Present	Poore, Chairman	Present
Laird		Marcum, Vice Chairman	Present
Miller		Eldridge	Present
Unger		Fleischauer	Present
Boley	Present	Frich	Present
Hall, M.	Present	Sobonya	Present

The Legislative Rule-Making Review Committee, met in the Senate Judiciary Committee Room at 9:00 a.m. on Monday, December 9, 2013. The meeting was called to order by Delegate Poore, and a silent roll call was taken, as reflected above.

Senator Snyder moved the adoption of the minutes from the November 18<sup>th</sup> and 19<sup>th</sup>, 2013 meetings. The motion was adopted.

Kevin Baker, Associate Counsel, explained his abstract on the rule proposed by the **Department of Transportation, Appeal Procedures, 105CSR1** and responded to questions. Mr. Baker stated that the Board has agreed to technical modifications.

Senator Snyder moved the proposed rule be approved as modified. The motion was adopted.

Sarah Stewart, Associate Counsel, explained her abstract on the rule proposed by the **Board of Professional Surveyors, Examination and Licensing of Professional Surveyors in West Virginia, 23CSR1**, and responded to questions from the Committee.

Senator Snyder moved the proposed rule be approved. The motion was adopted.

Brandon Hatfield, Associate Counsel, explained his abstract on the rule proposed by the **Real Estate Appraiser Licensing and Certification Board, Requirements for Licensure and Certification, 190CSR2** and responded to questions from the Committee. Mr. Hatfield stated that the Board agreed to all technical modifications.

Sandy Kerns, Executive Director, West Virginia Real Estate Appraiser Licensing and Certification Board, responded to questions from the Committee.

Senator Snyder moved the proposed rule be approved as modified. The motion was adopted.

Brandon Hatfield, Associate Counsel, explained his abstract on the rule proposed by the **Real Estate Appraiser Licensing and Certification Board, Renewal of Licensure or Certification, 190CSR3**. Mr. Hatfield stated that the Board has agreed to technical modifications.

Senator Snyder moved that the proposed rule be approved as modified. The motion was adopted.

Brandon Hatfield, Associate Counsel, explained his abstract on the rule proposed by the **Board of Speech-Language Pathology and Audiology, Licensure of Speech-Pathology and Audiology, 29CSR1** and responded to questions from the Committee. Mr. Hatfield stated that the Board has agreed to technical modifications.

Delegate Marcum moved the proposed rule be approved as modified. The motion was adopted.

Robert Williams, Associate Counsel, explained his abstract on the rule proposed by the **Child Support Enforcement Bureau, The Bureau for Child Enforcement, 97CSR1**. Mr. Williams stated that the Bureau has agreed to technical modifications.

Delegate Marcum moved the proposed rule be approved as modified. The motion was adopted.

Robert Williams, Associate Counsel, explained his abstract on the proposed repeal of rule by the **Child Support Enforcement Bureau, Obtaining Support From Federal and State Tax Refunds, 97CSR3**, and responded to questions from the Committee.

Delegate Marcum moved the proposed rule repeal be approved. The motion was adopted.

Robert Williams, Associate Counsel, explained his abstract on the proposed repeal of rule by the **Child Support Enforcement Bureau, Interstate Income Withholding, 97CSR4**, and responded to questions from the Committee.

Delegate Marcum moved the proposed rule repeal be approved. The motion was adopted.

Robert Williams, Associate Counsel, explained his abstract on the rule proposed by the **Child Support Enforcement Bureau, Support Enforcement Activities Undertaken by the Bureau for**

**Child Enforcement, 97CSR6**, and responded to questions from the Committee. Mr. Williams stated that the Bureau has agreed to technical modifications.

Delegate Marcum moved the proposed rule be approved as modified. The motion was adopted.

Robert Williams, Associate Counsel, explained his abstract on the rule proposed by the **Child Support Enforcement Bureau, Distribution of Support Payments, 97CSR7**, and responded to questions from the Committee. Mr. Williams stated that the Bureau has agreed to technical modifications.

Heidi Jones, Counsel, Child Support Enforcement Bureau, responded to questions from the Committee.

Senator Snyder moved the proposed rule be approved as modified. The motion was adopted.

Robert Williams, Associate Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Continuing Education for Licensure of Pharmacists, 15CSR3**. Mr. Williams stated that the Board agreed to technical modifications.

Delegate Marcum moved the proposed rule be approved as modified. The motion was adopted.

Robert Williams, Associate Counsel, explained his abstract on the rule proposed by the **Board of Pharmacy, Controlled Substances Monitoring, 15CSR8**, and responded to questions from the Committee. Mr. Williams stated that the Board agreed to technical modifications, and to a proposed substantive modification to restore a shortened record retention requirement to resolve a conflict between the proposed rule and current statutory requirements.

Senator Snyder moved the proposed rule be approved as modified. The motion was adopted.

Jay Lazell, Associate Counsel, explained his abstract on the rule proposed by the **DEP - Waste Management, Regulations for State Certification of Activities Requiring Federal Licenses and Permits, 47CSR5A**, and responded to questions from the Committee. Mr. Lazell stated that the Department agreed to technical modifications.

Patrick Campbell, Deputy Director, WV DEP Division of Water and Waste Management, responded to questions from the Committee.

Senator Snyder moved the proposed rule be approved as modified. The motion was adopted.

Jay Lazell, Associate Counsel, explained his abstract on

the rule proposed by the **DEP - Secretary's Office, Voluntary Remediation and Redevelopment, 60CSR3**. Mr. Lazell stated that the Department agreed to the technical modifications.

Senator Snyder moved the proposed rule be approved as modified. The motion was adopted.

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the **Office of Miners' Health, Safety and Training, Rules Governing Substance Abuse Screening, Standards and Procedures, 56CSR19**, and responded to questions from the Committee. Counsel explained that he believed the rule proposed by the Office exceeded its statutory authority in several instances, but that the Office agreed to modify the proposed rule series so as to comply with the authorizing statute except for one instance, i.e. a requirement that employers report a positive pre-employment drug screen. Mr. Skinner informed the Committee that the Office had also agreed to suggested technical modifications to the proposed rule series.

Senator Snyder moved to accept all modifications to the proposed rule series to which the Office had agreed. The motion was adopted.

Senator Snyder moved the proposed rule be approved as modified. The motion was adopted.

Senator Snyder moved that Counsel be authorized to report all bills to the Joint Standing Committee on Government and Finance and introduce all bills during the 2014 Regular Session.

There being no further business to come before the Committee, Senator Snyder moved to adjourn. The motion was adopted.